



General Assembly

Amendment

February Session, 2014

LCO No. 4302

HB0530904302HD0

Offered by:

REP. GENTILE, 104th Dist.

REP. SHABAN, 135th Dist.

To: Subst. House Bill No. **5309**

File No. 45

Cal. No. 42

"AN ACT CONCERNING ABANDONED VESSELS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 15-140c of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective January 1, 2015*):

5 (a) No person shall abandon any vessel on the waters of this state or
6 upon property other than his own without the consent of the owner
7 thereof. For the purposes of this section, a vessel shall be presumed to
8 be abandoned if: [left] (1) Left on the waters of this state not moored,
9 anchored or made fast to the shore and unattended for a period greater
10 than twenty-four hours, [or] (2) left upon property other than his own
11 without the consent of said property owner for a period greater than
12 twenty-four hours, [. The last owner of record of a vessel at the time it
13 was abandoned shall be presumed to be the person who abandoned
14 the same or caused or procured its abandonment] except in the case
15 where a tenant leaves a vessel behind on property such tenant

16 formerly rented, leased or occupied, in which case such vessel shall be
17 presumed to be abandoned ninety days after termination of occupancy
18 by such tenant, (3) left at a mooring for more than sixty days since
19 receipt of the last full payment, (4) left at a storage facility, repair
20 facility or other commercial facility for more than one year since
21 receipt of the last full payment by such facility, (5) found during a
22 declared emergency pursuant to chapter 517: (A) In a public right-of-
23 way and that hinders access to a public right-of-way or hinders access
24 to public utilities, or (B) in a location or condition that creates an
25 imminent danger to public safety or to the environment, or (6) left
26 upon the waters of the state for more than twenty-four hours and such
27 vessel is not properly registered.

28 [(b) Any officer authorized to enforce the provisions of this chapter
29 upon discovery of any vessel apparently abandoned, whether situated
30 on or out of the waters of the state, may take such vessel into his
31 custody and may cause the same to be taken to and stored in a suitable
32 place. There shall be no liability attached to such officer for any
33 damages to such vessel while in his custody. All charges necessarily
34 incurred by such officer in the performance of such duty shall be a lien
35 upon such vessel. The owner or keeper of any marina or other place
36 where such vessel is stored shall have a lien upon the same for his
37 storage charges and if such vessel has been stored for a period of not
38 less than sixty days, such owner or keeper may sell the same for
39 storage charges owed thereon, provided a notice of intent to sell shall
40 be sent to the Commissioner of Energy and Environmental Protection,
41 the Commissioner of Motor Vehicles, the Commissioner of
42 Transportation and the owner of such vessel, if known, five days
43 before the sale of such vessel. If the owner is unknown, such sale shall
44 be advertised in a newspaper published or having a circulation in the
45 town where such marina or other place is located three times,
46 commencing at least five days before the sale. The proceeds of such
47 sale, after deducting the amount due such marina owner or keeper and
48 all expenses of the officer who placed such vessel in storage, shall be
49 paid to the owner of such vessel or his legal representatives, if claimed

50 by him or them at any time within one year from the date of such sale.
51 If such balance is not claimed within said period, it shall escheat to the
52 state.]

53 (b) The last owner of record of a vessel, as recorded with the
54 governmental entity that issued such registration, shall be presumed to
55 be the person who abandoned or caused the abandonment of such
56 vessel, except: (1) Where such person provides the Commissioner of
57 Energy and Environmental Protection with sufficient evidence that
58 ownership of such vessel was transferred to another person prior to
59 the abandonment of such vessel, and (2) the last owner of record for
60 any vessel for which a certificate of title was issued by this state shall
61 be the owner indicated on such certificate of title. For the purpose of
62 this subsection, a vessel that is documented with the United States
63 Coast Guard under maritime or admiralty law shall be considered to
64 be registered with the United States Coast Guard.

65 (c) Only a party with standing or such party's designated agent, as
66 identified in writing by such party with standing on a notification of
67 abandoned vessel, may initiate the abandoned vessel procedures
68 described in this section. For the purpose of this section, the following
69 parties shall have standing:

70 (1) The owner of the property where the abandoned vessel came to
71 rest or to which the abandoned vessel was made fast;

72 (2) Any harbormaster, police department, municipality or agent of
73 the state that agrees to accept or process an abandoned vessel;

74 (3) Any emergency responder, including a responding utility, or any
75 person or firm contracted by a governmental agency to provide
76 emergency services and responding to a bona fide emergency in a
77 declared emergency pursuant to chapter 517 or the aftermath of a
78 declared emergency; and

79 (4) Any licensed motor vehicle dealer who is authorized to tow or
80 transport, in accordance with section 14-66, or any professional marine

81 salvager when such dealer or salvager is engaged by any of the
82 persons described in subdivisions (1) to (3), inclusive, of this
83 subsection.

84 (d) Any party with standing may seek full cost recovery from the
85 person who abandoned the vessel for any unpaid expense incurred as
86 a result of, or incidental to, such vessel abandonment. Any person who
87 acts in good faith and without malicious intent in the processing,
88 storage or movement of any abandoned vessel pursuant to this section
89 shall be immune from civil liability for damage to such vessel.

90 (e) The Commissioner of Energy and Environmental Protection shall
91 notify the Secretary of the State by electronic mail of the receipt of any
92 notice of abandoned vessel, as described in subsection (h) of this
93 section, for any abandoned vessel currently or previously registered in
94 this state. Such notification shall include a description of the
95 abandoned vessel and shall identify the name of the owner of the
96 vessel, as recorded with the Department of Motor Vehicles, if known.
97 After receipt of any such notification, the Secretary of the State shall
98 provide the Commissioner of Energy and Environmental Protection
99 with copies of: (1) Any financing statement filed with the Secretary of
100 the State for such vessel that names the owner of the vessel as the
101 debtor and that describes the vessel, by identification number or by
102 type, as collateral or that states that the collateral is "all assets" or "all
103 property" of said owner; or (2) any vessel lien against such vessel filed
104 with the Secretary of the State. The Commissioner of Energy and
105 Environmental Protection shall notify all secured parties listed on any
106 such financing statements and any such lienholders, in writing, that
107 such vessel is deemed abandoned. Such notice shall describe the
108 consequences of abandonment, as prescribed by this section, and
109 provide instructions regarding retrieval of such vessel. If such
110 abandoned vessel was documented in accordance with the maritime or
111 admiralty laws of the United States, the Commissioner of Energy and
112 Environmental Protection shall make reasonable efforts to determine
113 whether any lien, ship mortgage or security interest exists against such
114 abandoned vessel and shall make reasonable attempts to notify all

115 lienholders, ship mortgagees and persons with a security interest of
116 the status and location of the abandoned vessel.

117 (f) (1) Any party with a vessel lien, as filed with the Secretary of the
118 State, may seek a writ of attachment in accordance with the provisions
119 of section 49-55d. Any person with a security interest against an
120 abandoned vessel may take any action permitted by a secured party, in
121 accordance with the provisions of section 42a-9-601. Any such writ or
122 action shall be at such party's or person's own expense and instituted
123 not later than the issuance of a notice of assumed ownership to such
124 party or person by the Commissioner of Energy and Environmental
125 Protection. If such party or person fails to seek such writ or take action,
126 such party or person shall be deemed to have discharged such lien or
127 security interest. The Commissioner of Energy and Environmental
128 Protection shall file a notice of discharge of any such lien or security
129 interest with the Secretary of the State. Any such discharge notice
130 shall: (A) Identify the vessel lien or security interest by a file number,
131 (B) describe the vessel by identification number or type, and (C) state
132 that a notice of assumed ownership was issued to the party with
133 standing.

134 (2) Any party with a vessel lien or person with a security interest
135 against an abandoned vessel as filed with an agency of the United
136 States may seek a writ of attachment in accordance with the provisions
137 of section 49-55d or any other applicable provision of federal or state
138 law.

139 (3) Any vessel lienholder or person with a security interest may
140 request that the Commissioner of Energy and Environmental
141 Protection suspend the abandoned vessel procedures pursuant to
142 subsection (h) of this section for the purpose of arranging for the
143 removal, transport or storage of an abandoned vessel.

144 (4) Any party with a vessel lien or person with a security interest in
145 the vessel who enters onto property of a party with standing to take an
146 abandoned vessel into custody shall be liable to the applicable party

147 with standing for any damage or physical injury caused by such entry
148 or taking.

149 (5) Any abandoned vessel, once in the custody of a vessel lienholder
150 or person with a security interest or an agent of a vessel lienholder or
151 such person, shall no longer be deemed to be an abandoned vessel and
152 shall otherwise be processed pursuant to chapter 847.

153 (g) In the event an abandoned vessel is registered in another state,
154 the Commissioner of Energy and Environmental Protection shall notify
155 the registering agency and any agency of such state that is responsible
156 for recording vessel liens and security interests, by electronic mail, of
157 such vessel's abandonment and shall allow such agencies fifteen
158 business days to return information regarding the owner of record of
159 such vessel and any person who registered or recorded a vessel lien or
160 security interest against such vessel or to otherwise intervene in the
161 abandoned vessel procedures described in this section. If such agencies
162 identify any vessel lienholder or person with a security interest, the
163 commissioner shall make reasonable attempts to notify such vessel
164 lienholder or person. If such registering agency does not provide
165 contact information or otherwise intervene in such procedures not
166 later than fifteen business days after receipt of such notification, any
167 further obligation to identify or contact the last owner of record, vessel
168 lienholder or person with a security interest shall be considered to be
169 waived, unless the abandoned vessel is documented according to the
170 maritime or admiralty laws of the United States, in which case the
171 commissioner may use the information contained in such
172 documentation to identify the last owner of record.

173 (h) The Commissioner of Energy and Environmental Protection
174 shall establish the following online process for the disposition of
175 abandoned vessels. Such process shall apply, in its entirety, only to
176 those abandoned vessels that are not documented according to the
177 maritime or admiralty laws of the United States or for which such
178 documentation is expired or cancelled. The provisions of this
179 subsection shall not apply to vessels that are documented according to

180 the maritime or admiralty laws of the United States except the
181 provisions of subdivisions (1) to (5), inclusive, of this subsection.

182 (1) The party with standing shall file a notarized notice of
183 abandoned vessel with the Commissioner of Energy and
184 Environmental Protection in person, by mail, by paid delivery service
185 or electronically, as prescribed by the commissioner. Such filing shall
186 be on forms as prescribed by the commissioner. The fee for filing such
187 notice shall be twenty dollars.

188 (2) Upon receipt of any such filing, the commissioner shall
189 determine whether such vessel is reported as stolen or missing. If the
190 vessel was reported as stolen or missing, the police department with
191 whom the report was filed, after notification by the commissioner,
192 shall take such vessel into custody or arrange for the return of such
193 vessel to the owner of such vessel at the expense of the person who
194 abandoned such vessel.

195 (3) The commissioner shall post information regarding the report of
196 the abandoned vessel online, on a publicly accessible abandoned vessel
197 Internet web site. Such information shall be sufficient to identify the
198 abandoned vessel and shall contain, at a minimum and when such
199 information is known, the registration number of such vessel, the make
200 and model of such vessel, the length and color of such vessel, the town
201 and water body nearest to the location of such vessel abandonment
202 and instructions for contacting the commissioner.

203 (4) The commissioner shall send a certified letter to the person who
204 abandoned such vessel, provided such person can be identified and, in
205 such letter, identify the abandoned vessel, notify the recipient of the
206 consequences of abandonment under the provisions of this section and
207 provide instructions regarding retrieval of such vessel.

208 (5) The commissioner shall provide to the party with standing a
209 water resistant adhesive label advising that the subject vessel is being
210 processed pursuant to the provisions of this section and that contains
211 instructions on how to contact the commissioner in order to acquire

212 more information or intervene in such procedures. The party with
213 standing shall immediately affix the label to the abandoned vessel in a
214 prominent location in such a manner as to be visible to an approaching
215 person.

216 (6) A forty-five-day abandoned vessel period shall commence
217 beginning on the date of the first attempt to deliver the certified letter
218 described in subdivision (4) of this subsection. In any case in which a
219 vessel is not registered, such period shall begin when the
220 commissioner posts information regarding the abandoned vessel on
221 the Internet web site described in subdivision (3) of this subsection.
222 The commissioner may suspend such abandoned vessel period for not
223 more than six months for just cause, provided the commissioner shall
224 state, in writing, for publication on such abandoned vessel Internet
225 web site described in subdivision (3) of this subsection, the reason for
226 such suspension and the elements necessary to resume the abandoned
227 vessel period.

228 (7) On the day following the expiration of the abandoned vessel
229 period, if any person who abandoned such vessel, vessel lienholder or
230 person with a security interest did not contact the commissioner or
231 otherwise failed to remove such abandoned vessel, the commissioner
232 shall issue a notice of assumed ownership, by certified mail, to the
233 party with standing and provide a copy of the notice to the
234 Commissioner of Motor Vehicles by electronic mail. If such abandoned
235 vessel is the subject of a vessel lien or security interest, as filed with the
236 Secretary of the State, the Commissioner of Energy and Environmental
237 Protection shall file a notice of discharge with the Secretary of the
238 State. Such notice shall: (A) Identify the vessel lien or security interest
239 by a file number, (B) describe the vessel by identification number or
240 type, and (C) indicate that a notice of assumed ownership was issued
241 to the party with standing. The notice of assumed ownership shall be a
242 termination of any and all liens and security interests against such
243 vessel and shall satisfy the notice of removal requirements of section
244 49-56a. Upon issuance of said notice of assumed ownership the party
245 with standing shall be deemed to be the owner of the abandoned

246 vessel, and the original of the notice of assumed ownership shall be
247 prima facie evidence of such ownership. In the event such vessel is
248 titled in this or another state, such notice of assumed ownership shall
249 be prima facie evidence of a transfer, by operation of law, from a
250 titleholder to the party with standing and shall be deemed sufficient
251 documentation to establish the party with standing's ownership
252 interest or right to acquire the ownership interest. The Commissioner
253 of Motor Vehicles shall cancel the existing registration for such vessel
254 and shall note the transfer of ownership to the party with standing in
255 the vessel registration record, if such record exists and is accessible to
256 the Commissioner of Motor Vehicles. If such vessel is registered by a
257 registering agency other than the Department of Motor Vehicles, the
258 Commissioner of Motor Vehicles shall notify such agency, by
259 electronic mail, of the transfer of ownership.

260 (8) If the person who abandoned such vessel contacts the
261 Commissioner of Energy and Environmental Protection, such person
262 shall have until the last day of the abandoned vessel period described
263 in subdivision (6) of this subsection to remove such abandoned vessel
264 from the property or possession of the party with standing, as
265 applicable. If the person who abandoned such vessel fails to remove
266 such vessel by said day, the Commissioner of Energy and
267 Environmental Protection, in conjunction with the Commissioner of
268 Motor Vehicles, shall cause the registration of the abandoned vessel to
269 be cancelled and shall issue a notice of assumed ownership to the party
270 with standing. The commissioner may suspend the abandoned vessel
271 period, in accordance with subdivision (6) of this subsection, at the
272 request of the person who abandoned the vessel and for just cause
273 shown. The person who abandoned the vessel shall be liable for any
274 property damage caused by the removal of the abandoned vessel that
275 is undertaken pursuant to this subdivision.

276 (i) For a period of forty-five days following the end of a declared
277 state of emergency that resulted in the widespread displacement of
278 vessels and that was declared to be an emergency by the Governor
279 pursuant to chapter 517, there shall be no fee for the filing of a notice of

280 abandoned vessel, pursuant to subdivision (1) of subsection (h) of this
281 section, and notarization of such notice shall not be required.
282 Notwithstanding sections 1-217 and 14-10, the commissioner may
283 publish the name of the owner of any such abandoned vessel and town
284 of record, as such information appears on vessel registration records,
285 during the declared emergency and until such time as such vessel is no
286 longer deemed abandoned.

287 (j) A notice of abandoned vessel, as described in subdivision (1) of
288 subsection (h) of this section, shall be prepared and submitted to the
289 Commissioner of Energy and Environmental Protection for each
290 abandoned vessel, including any vessel that is documented with the
291 United States Coast Guard in accordance with the maritime or
292 admiralty laws of the United States or that is relocated to an
293 abandoned vessel holding area by persons or agents acting in a relief
294 or emergency capacity.

295 (k) The Commissioner of Energy and Environmental Protection may
296 waive the requirement to contact the person who abandoned such
297 vessel by certified mail, as required by subdivision (4) of subsection (h)
298 of this section, if contact with such person is otherwise established by
299 electronic mail or another suitable means of communication, as
300 determined by the commissioner.

301 (l) Notwithstanding any provisions of the general statutes, any
302 waste oil, fuel, antifreeze or other hazardous materials stored on an
303 abandoned vessel and incidental to the operation and maintenance of
304 such abandoned vessel shall be deemed household hazardous waste,
305 for the purpose of disposal of such materials, if removed from such
306 abandoned vessel in preparation for the storage, removal or
307 destruction of such abandoned vessel.

308 (m) Any person who abandons a vessel shall have committed a
309 violation and shall be fined not less than three hundred dollars nor
310 more than five hundred dollars, except if such abandonment occurred
311 during a declared emergency and as a result of the conditions that

312 caused such emergency to be declared."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2015</i>	15-140c